United States District Court
for the Northern District of West Virginia
Martinsburg

FILED
AUG 2 8 2007
U.S DISTRICT COURT
MARTINSBURG, WV 25401

Gardner Bradley, prose
fed. Reg. No. # 36428-007
USP Hazelton
P.O. Box 2000
Bruceton Mills, WV 26525
petitioner

— verses —

Lt. Clements; Lieutenant At USP Hazelton
And
Lt. Berrios; operation Lieutenant At USP Hazelton
And
Joe Driver; Warden of USP Hazelton
And
Kim White; Mid-Atlantic Regional Director
And
General Counsel for Central office - BOP et. Al.,
320 First Street, NW
Washington, D.C. 20534
Respondents

docket No.

2:07CV68

Petition pursuant Title 5 USC section 552 - Freedom of Information Act, For the Release of Information in possession of Federal Bureau of Prisons for threat Assessment of petitioner

To: Honorable Walley Edgell, Ph.D., Clerk of Court for the U.S. District Court for Northern District of WV - Martinsburg

In A handwritten Affidavit written in pencil by petitioner Acting pro se duly petition the court pursuant Title 5 USC section 552 - Freedom of Information Act, For the Release of Information in possession of Federal Bureau of Prisons for threat assessment of petitioner.

Petitioner being the movant before the court believes the district court jurisdiction over the civil action is pursuant title 5 USC section 552 and Title 5 USC section 706 and 28 CFR part 513.65.

Current mailing address and names of all parties:

Gardner Bradley, pro se/petitioner
fed. reg. no. # 36428-007
USP Hazelton
P.O. Box 2000
Bruceton Mills, WV 26525

Respondents listed in the captioned of civil action name(s) and employment address are:

1. Lt. Clements; BOP employee at USP Hazelton
P.O. Box 2000
Bruceton Mills, WV 26525

2. Lt. Berrios; BOP employee at USP Hazelton
P.O. Box 2000
Bruceton Mills, WV 26525

3. Joe D. Driver; Warden of USP Hazelton - BOP
P.O. Box 2000
Bruceton Mills, WV 26525

4. Kim White; Mid-Atlantic Regional Director - BOP
10010 Junction Drive, Suite 100-N
Annapolis Junction, Maryland 20701

5. General Counsel for Central office - BOP
320 First Street, NW
Washington, D.C. 20534

Facts of complaint:

Petitioner filed a written Request unto Warden of USP McCreary pursuant the Freedom of Information Act for information about threat assessment investigation. The Warden for USP McCreary made a written response on June 20, 2007 unto petitioner Request pursuant Freedom of Information Act. Attached to petition is the response from Warden of USP McCreary.

Petitioner filed a written Request unto the Mid-Atlantic Regional Director on June 2, 2007 pursuant the Freedom of Information Act (FIOA). But Mid-Atlantic Regional Director has not filed a written response unto petitioner Request pursuant FOIA Request within 20 working days as outlined in Title 5 USC section 552.

Petitioner filed a written Request unto Warden Driver of USP Hazelton on June 26, 2007 pursuant the Freedom of Information Act about threat Assessment investigation. Whereas, Warden's office made a written response on July 24, 2007 unto petitioner Request pursuant Freedom of Information Act.

Attached to petition is the response from the Warden's office of USP Hazelton.

Petitioner filed a correspondence unto Associate Warden of Program Services, Mr. Gill, whom was employed at USP Hazelton before petitioner was transfered on November 13, 2006 unto USP McCreary SHU (Special Housing Unit) for overcrowding in SHU at USP Hazelton. Herein, a Mr. Jon B. Crogan is the new Associate Warden of Program Services at USP Hazelton upon petitioner return to his designated institution. Associate Warden, Mr. Crogan filed a written response unto petitioner request pursuant Freedom of Information Act on July 30, 2007 concerning the release of information about threat assessment investigation. Attached to petition is the correspondence between petition and Associate Warden of Program Services at USP Hazelton.

Petitioner filed a written petition written in pencil on July 12, 2007 unto the General Counsel for Central Office pursuant Title 5 USC section 552- Freedom of Information Act for the release of information in possession of BOP official(s) for threat assessment of prisoner (petitioner). Petitioner outlined in the petition that all documents in possession of BOP official(s) for threat assessment of prisoner (petitioner) should be provided at government expense in light of movant/prisoner indigency before the courts to include but not limited unto:

A, Records of Mid-Atlantic Regional Director involvement in housing movant prisoner in SHU for extended periods

And the overcrowding transfer unto USP McCreary pursuant BOP investigation of threat assessment of prisoner;

B. Records of USP McCreary Warden's office for housing movant/prisoner in SHU on holdover status pending Redesignation from USP Hazelton;

C. BOP Transfer Center Records from Grande Prairie, Texas documents for holdover status for redesignation And its request for more information into USP Hazelton investigation of threat assessment of prisoner;

D. Records of institutional official(s) at USP Hazelton that commenced the BOP investigation that has housed movant/prisoner in SHU from August 7, 2006 until the present for threat assessment of prisoner;

Whereas, General Counsel for Central office has not filed A written response unto petitioner request pursuant Freedom of Information Act Request within 20 working days as outlined in Title 5 USC section 552.

On July 22, 2007 A SHU Lieutenant Bess informed petitioner that petitioner could not Return to the general inmate population of USP Hazelton because inmate(s) in the general inmate population want to kill petitioner. USP Hazelton prison official(s) reference to Program Statement 5800.13, Inmate Central File, Privacy Folder, And Parole Mini Files, indicates that all documents that is deemed sensitive is Considered FOIA exempt.

Petitioner does not have any separation order(s) in the Inmate Central File for separation of petitioner from other inmate(s) that has informed USP Hazelton prison official(s) of their intention to kill petitioner in the general inmate population of BOP institutions.

Petitioner believes a judicial review by federal court is warranted into Federal Bureau of Prison investigation of threat assessment of petitioner where inmate(s) are permitted to remain in the general inmate population after making threats to petitioner life and institutional official(s) not filing separation orders pursuant to known threats of inmate(s) that want to kill petitioner.

Relief sought through Court:

1. Declaratory judgment pursuant Freedom of Information Act (Title 5 USC section 706 and 28 CFR part 513.65) for a reasonable segregable portion of the records of threat assessment investigation to be provided to petitioner such records after the deletion of the portions of records which are deem exempt. If technically feasible the amount of the information deleted shall be indicated at the place in the record where such deletion is made;

2. Injunctive sanctions against Federal Bureau of Prisons FOIA exempt policy where prisoner's life is threaten by other inmate(s) permitted to remain in the general inmate population without BOP official(s) documentation of separation order(s) for petitioner and the inmate(s) confessing an intent to kill petitioner unto USP Hazelton prison official(s);

3. Punitive damages for the prison conditions that permit inmate(s) to remain in the general inmate population and the housing of petitioner in the Special Housing Unit for over a year in light of death threats a violation of petitioner's civil rights of cruel and unusual punishment by BOP official(s).

Demand for trial by jury:

Petitioner duly request a trial by jury pursuant the Petition under Title 5 USC section 552 - Freedom of Information Act for release of information in possession of Federal Bureau of Prisons for threat assessment of petitioner.

Futhermore, petitioner request the court for a combined trial by trial which would joinder both civil action case No.# 3:07-CV112, a Petition under Title 42 USC section 1983 and the Petition pursuant Title 5 USC section 552 based upon the related subject matter of both cases involving the threat assessment investigation of petitioner by BOP officials.

Petitioner is unable to forward copies of Attachment submitted to courts for service upon Respondents because of the Indigency of petitioner and omission by BOP employees assigned to SHU to zerox document(s):

1. Response to inmate request to staff member dated 06-20-07 from the Warden's office at USP McCreary;

2. Response to inmate request to staff member dated 07-24-07 from the Warden's office at USP Hazelton;

3. Response to inmate Request to staff member dated 07-30-07 from the Associate Warden of Program Services at USP Hazelton;

Petitioner believes the General Counsel for Central office can obtain copies of the aforementioned Attachments to petition to the courts through the Inmate Central File Records and/or filed a Motion for discovery in the civil Action for the clerk of court office files of original petition submitted unto the court.

Petitioner seek the lenciency of court in the filing of the prerequisite copies of petition to clerk of court office And duly Request Assistance from the clerk of court to duplicate the original handwritten petition written in pencil to complete the Requisite copies Required for petitioner civil Action.

Petitioner, Also, seek lenciency of the court in filing petition to court in pencil based upon BOP official(s) intentional Neglect to provide ink pens to petitioner housed in SHU At USP Hazelton.

Gardner Bradley
fed. reg. No.# 36428-007
USP Hazelton
P.O. Box 2000
Bruceton Mills, WV
26525

I, Gardner Bradley, Attest that the foregoing Affidavit written in pencil is true And correct pursuant the penalty of perjury.

This 27th day of August 2007 A.D.

In the United States District Court For The Northern District of West Virginia Martinsburg

Gardner Bradley, prose
fed. Reg. No.# 36428-007
USP Hazelton
P.O. Box 2000
Bruceton mills, WV 26525
petitioner

-verses

General Counsel for Central office - BOP et. Al.,
320 First Street, NW
Washington, D.C. 20534
Respondents

docket No.:

Certificate of Service

To: Honorable Walley Edgell, Ph.D., Clerk of court for the U.S. District Court for Northern District of WV-Martinsburg

I, Gardner Bradley, Appearing pro se hereby certify that I have served the foregoing Affidavit entitled, Petition pursuant Title 5 USC section 552- Freedom of Information Act, For the Release of Information in possession of Federal Bureau of Prisons for threat Assessment of petitioner upon defendant/Respondent by depositing true copy of the same in United States mail, postage prepaid upon Respondents At; Central office 320 First St, NW-Washington, D.C. 20534, This 27th day of August 2007 A.D.

Gardner Bradley
Fed. reg. No.# 36428-007
U.S.P. Hazelton
P.O. Box 2000
Bruceton Mills, WV 26525